

(c) *For Government.*—

Sri M. S. Gangadhara, Chief Engineer (Retired).

Sri G. S. Ganapathi, Chief Engineer (Retired).

Sri B. R. Manickam, (Chief Engineer, (Communications and Buildings).

For the Contractors.

Sri M. Ganapathi. Lt. Col. Joga Rao.

Sri C. R. Krishnaswamy Mudaliar Chief Engineer (Retired).

(d) The arbitrators in two, out of the three cases have given their awards in respect of the rates for the respective works and in respect of the third case, the award has not yet been given.

Members' Representations.

Sri S. SIVAPPA (Sravana-belagola).—I have sent an adjournment motion to-day regarding a recent occurrence.

Mr. SPEAKER.—I will look into it and see what can be done.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ (ತಿರ್ಥಹಳ್ಳಿ).—ಮೈಸೂರಿನಲ್ಲಿ ಕಾಲೇಜು ವಿಧ್ಯಾರ್ಥಿಗಳು ಮುಷ್ಕರ ಹೂಡಿದ್ದ ಸಂದರ್ಭದಲ್ಲಿ ಒಂದು "Calling Attention", ಮೋಷನ್ನನ್ನು ಕಳುಹಿಸಿದ್ದೆ. ಅದೇ ನಾಯಿತೋ ಗೊತ್ತಿಲ್ಲ.

Mr. SPEAKER.—When was it sent ?

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಮೂರು ದಿವಸಗಳ ಹಿಂದೆ.

Mr. SPEAKER.—I will look into it.

ಶ್ರೀ ಕೆ. ಪಿ. ರೇವಣ್ಣಸಿದ್ಧಪ್ಪ (ತಿಪಟೂರು).—ನನ್ನ ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರಗಳೇ ಇನ್ನೂ ಬಂದಿಲ್ಲ. ಒಂದು ಪ್ರಶ್ನೆಗೂ ಇದುವರೆಗೂ ಉತ್ತರ ಬರಲಿಲ್ಲ ವೆಂದರೆನು? ಪ್ರಶ್ನೆಗಳನ್ನು ಕಳುಹಿಸಿ ಬಹಳ ದಿವಸಗಳಾಗಿವೆ.

Mr. SPEAKER.—I will look into that also.

ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ.—ಪ್ರಶ್ನೆಗಳಿಗೆ ಸರ್ಕಾರ ಉತ್ತರ ಕೊಡುವ ವಿಚಾರದಲ್ಲಿ ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ತಾಲ್ಲೂಕ್ ಹೊರಗಿನಿಂದ ಅಂಕಿ ಅಂಶಗಳನ್ನು ತರಿಸ

ಬೇಕಾಗುತ್ತದೆ. ಅದರಿಂದ ವಿಳಂಬವಾಗುತ್ತದೆನ್ನು ವುದೇನೋ ಸರಿ. ಆದರೆ ನಾನು ಎರಡು ಪ್ರಶ್ನೆಗಳನ್ನು ಕಳುಹಿಸಿದ್ದೆ ಉತ್ತರ ಈಗ ಒಂದು ತಿಂಗಳಾದರೂ ಬಂದಿಲ್ಲ. ಅದು ಸೆಕ್ರೆಟೇರಿಯಟ್‌ನಲ್ಲಿ ಸಿಕ್ಕುವ ಅಂಶ ಸಂಬಂಧಪಟ್ಟ ವಿಚಾರ. ಅಂಥಾದ್ದಕ್ಕೆ ಇದುವರೆಗೆ ಉತ್ತರ ಕಳುಹಿಸದೇ ಇರುವುದು ಏನು ಕಾರಣ ?

Mr. SPEAKER.—That is exactly the point that I have been thinking since this morning. That is why I told Sri Sivappa that I would call him later.

Sri C. J. MUCKANNAPPA (Sira).—Sir, the Chair directed the Government to place on the Table of the House some of the information regarding Sharavathi Project. May I know what has happened to it ?

Sri S. NIJALINGAPPA.—That is being done.

The Bangalore Acquisition of Land (Validation) Bill, 1962 and the Mysore Municipal Laws (Amendment) Bill, 1962.

Introduced.

Sri K. PUTTASWAMY (Minister for Municipal Administration).—I introduce (i) the Bangalore Acquisition of Lands (Validation) Bill, 1962 and (ii) The Mysore Municipal Laws (Amendment) Bill, 1962, which have been published under the Rules of Procedure and Conduct of Business in the Legislative Assembly.

Mr. SPEAKER.—The two Bills are introduced.

CHAIR'S RULING *re* : DISCLOSURE OF NAMES.

Mr. SPEAKER.—Yesterday, a question was raised with regard to the disclosure of names and a ruling was desired. I refer to the ruling of my predecessor which is found in volume III No. 16, 17th July 1957 on page 684:

"Sri K. S. SURYANARAYANA RAO (Mysore City).—When the Hon'ble Minister is prepared to furnish the names, why should there be any objection ?

Mr. SPEAKER.—If it is a point of order I will answer it. Even though the Hon'ble Minister is prepared to give out information, it is within my discretion to allow him to do so or not. If I feel that the Ministers are not wise in furnishing the names of persons who are not present here, I must prevent them from doing so.

/// Sri H. M. CHANNABASAPPA.—Sir, I should like to submit that it is a question of privilege. Hon'ble Members are entitled to know the particulars of cases. This question involves Government money and therefore I should like to submit that it is the privilege of the members of this House to know who are all the persons that owe money to the Government.

Mr. SPEAKER.—The members are entitled to know the number of persons who are defaulters. But, the members are not entitled to know the names of defaulters who are not present in this House. If they feel they are entitled to know, they can approach the Minister concerned and get the list."

There was a similar situation in the Lok Sabha. It is in the Proceedings dated 11th April (Tuesday) 1961 where the question of individual names was considered :

"So far as the constitutional point is concerned, as to whether the House has powers to discuss it or not, presumably I should not question that. The House is sovereign and it can always discuss anything that it likes. Therefore, my advice even now, after hearing all the Members, would be that names should not be mentioned."

CONSIDERATION OF BUILDING TAX BILL

Member's objection.

Sri G. V. GOWDA (Palya).—In fact, I wanted to go through the Debates of the Constituent Assembly in respect of Article 246. It is not possible to get it. So far as that article is concerned, there is no debate. In order to know the intention of the constitution makers, it would have been helpful if those debates were made available.

If a little time is given to me I will try my best to look into those debates. As I submitted yesterday, when there is a conflict between a State that and a Concurrent List, it has been held that if it is a matter, substantially the same, concurrent list prevails. Likewise, if you extend the same theory to this case also, whether one enactment is adopted in respect of one entry, can the State Legislature again enact a law in respect of the same entry?

Mr. SPEAKER.—Does that analogy stand anywhere?

† Sri G. V. GOWDA.—The words "in respect of" have got to be understood clearly. The words are found even in the 1935 Act and the Federal Court observes.

"In view of the large number of items in the Legislative lists, it is almost impossible to prevent a certain amount of overlapping. Absolutely sharp and distinct lines of demarcation are not always possible.....To avoid such difficulties Parliament has thought fit to use the expression 'with respect to' which obviously means that looking at the legislation as a whole, it must substantially be with respect to matters in one list or the other. A remote connection is not enough.

On the other hand, the expression extends the legislative power to all ancillary or subsidiary matters which can fairly and reasonably be said to be comprehended in that topic or category of legislation. In short, thus, the expression invokes the principle of 'pith and substance' in the matter of interpreting the Legislative Lists. It is the nature and character of the legislation and not its ultimate economic or other consequences that determines whether it is with respect to one subject matter or another."

My point is, that in any of the subject-matters enumerated in the List the Parliament or State Legislature is competent to make laws in any of the matters enumerated in